IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 15 OF 2007

MR. JOHN M. FERNANDES ... Petitioner
Versus
GOA COSTAL ZONE MANAGEMENT AUTHORITY THROUGH MEMBER SECRETARY AND 5 ORS., ... Respondents

Petitioner in person.
Mr. S.R. Rivonkar, Government Advocate for Respondent No. 1.

Coram:- D. B. BHOSALE &
N. A. BRITTO, JJ.

Date:- 18th December, 2007

P.C.:-

This Suo Moto Public Interest Litigation was registered at the instance of one John M. Fernandes, resident of Arambol, Pernem who, vide his letter dated 3-10-2007, brought to the notice of this Court that illegal construction bearing House Nos.158 and 163 has been constructed within 50 metres of high tide line. It appears that the Goa Coastal Zone Management Authority has issued show cause notice under Section 5 of the Environment Protection Act 29 of 1986 dated 14-2-2007 to Suresh Narayan Pai and Yashoda Jaiwant from village Arambol. It further appears that the Village Panchayat, Arambol also had issued notices dated 6-9-2006 and 5-8-2006 to Suresh Narayan Pai and Yashoda Jaiwant, respectively.

Mr. Rivonkar, learned Government Advocate for Goa Coastal Management Authority submits that the authority has yet not decided the show cause notice and on instructions he states that they will decide it within three weeks from today. In so far as notices dated 9-6-2006 and 5-8-2006 issued by Village Panchayat, Arambol are concerned, learned Counsel for the Panchayat is not in a position to state as to what steps

have been taken after issuance of the said notices.

Mr. D. Pangam, learned Counsel for Suresh Narayan Pai submits that the Panchayat has not taken any decision on the notice dated 9-6-2006. Keeping that in view and considering the overall facts and circumstances of the case, we are satisfied that this petition can be disposed of by the following order:

a) Goa Coastal Zone Management Authority shall decide the show cause notice dated 14-2-2007 issued under Section 5 of the Environment Protection Act as expeditiously as possible and preferably within a period of three months from today after giving an opportunity of being heard to Suresh Narayan Pai and Yashoda Jaiwant so also to the Petitioner John M. Fernandes. If the construction is found to be illegal the concerned authorities to take appropriate action in accordance with law expeditiously.

b) The Village Panchayat, Arambol shall also proceed to take further action in pursuance of the notice dated 9-6-2007 and it is open for them to issue further notice under Section 66 of the Panchayat Raj Act, 1994 and take it to its logical conclusion as expeditiously as possible and preferably within 12 weeks from today.

It is needless to express that the Village Panchayat shall hear Suresh Narayan Pai and Yashoda Jaiwant so also John M. Fernandes before passing final orders on the notice under Section 66, if issued, by the Village Panchayat.

With these directions, this petition is disposed of.

D. B. BHOSALE, J.

N. A. BRITTO, J.

RD.